

United States Bankruptcy Court

Southern District of New York

Voluntary Petition

Name of Debtor (if individual, enter Last, First, Middle):

Bastone Inc.

Name of Joint Debtor (Spouse) (Last, First, Middle):

All Other Names used by the Debtor in the last 8 years
(include married, maiden, and trade names):**DBA Iannellis Cucina**All Other Names used by the Joint Debtor in the last 8 years
(include married, maiden, and trade names):Last four digits of Soc. Sec. or Individual-Taxpayer I.D. (ITIN) No./Complete EIN
(if more than one, state all)**13-4110598**Last four digits of Soc. Sec. or Individual-Taxpayer I.D. (ITIN) No./Complete EIN
(if more than one, state all)

Street Address of Debtor (No. and Street, City, and State):

**359 Mamaroneck Avenue
White Plains, NY**

Street Address of Joint Debtor (No. and Street, City, and State):

ZIP Code

10605

ZIP Code

County of Residence or of the Principal Place of Business:

Westchester

County of Residence or of the Principal Place of Business:

Mailing Address of Debtor (if different from street address):

ZIP Code

Mailing Address of Joint Debtor (if different from street address):

ZIP Code

Location of Principal Assets of Business Debtor
(if different from street address above):**Type of Debtor**

(Form of Organization)

(Check one box)

- ☐ Individual (includes Joint Debtors)
See Exhibit D on page 2 of this form.
- ☒ Corporation (includes LLC and LLP)
- ☐ Partnership
- ☐ Other (If debtor is not one of the above entities, check this box and state type of entity below.)

Nature of Business

(Check one box)

- ☐ Health Care Business
- ☐ Single Asset Real Estate as defined in 11 U.S.C. § 101 (51B)
- ☐ Railroad
- ☐ Stockbroker
- ☐ Commodity Broker
- ☐ Clearing Bank
- ☒ Other

Tax-Exempt Entity

(Check box, if applicable)

- ☐ Debtor is a tax-exempt organization under Title 26 of the United States Code (the Internal Revenue Code).

Chapter of Bankruptcy Code Under Which**the Petition is Filed (Check one box)**

- ☐ Chapter 7
- ☐ Chapter 9
- ☒ Chapter 11
- ☐ Chapter 12
- ☐ Chapter 13
- ☐ Chapter 15 Petition for Recognition of a Foreign Main Proceeding
- ☐ Chapter 15 Petition for Recognition of a Foreign Nonmain Proceeding

Nature of Debts

(Check one box)

- ☐ Debts are primarily consumer debts, defined in 11 U.S.C. § 101(8) as "incurred by an individual primarily for a personal, family, or household purpose."
- ☒ Debts are primarily business debts.

Filing Fee (Check one box)

- ☒ Full Filing Fee attached
- ☐ Filing Fee to be paid in installments (applicable to individuals only). Must attach signed application for the court's consideration certifying that the debtor is unable to pay fee except in installments. Rule 1006(b). See Official Form 3A.
- ☐ Filing Fee waiver requested (applicable to chapter 7 individuals only). Must attach signed application for the court's consideration. See Official Form 3B.

Check one box:

Chapter 11 Debtors

- ☒ Debtor is a small business debtor as defined in 11 U.S.C. § 101(51D).
- ☐ Debtor is not a small business debtor as defined in 11 U.S.C. § 101(51D).
- Check if:
- ☐ Debtor's aggregate noncontingent liquidated debts (excluding debts owed to insiders or affiliates) are less than \$2,190,000.

Check all applicable boxes:

- ☐ A plan is being filed with this petition.
- ☐ Acceptances of the plan were solicited prepetition from one or more classes of creditors, in accordance with 11 U.S.C. § 1126(b).

Statistical/Administrative Information

- ☒ Debtor estimates that funds will be available for distribution to unsecured creditors.
- ☐ Debtor estimates that, after any exempt property is excluded and administrative expenses paid, there will be no funds available for distribution to unsecured creditors.

Estimated Number of Creditors

☒ 1-49 ☐ 50-99 ☐ 100-199 ☐ 200-999 ☐ 1,000-5,000 ☐ 5,001-10,000 ☐ 10,001-25,000 ☐ 25,001-50,000 ☐ 50,001-100,000 ☐ OVER 100,000

Estimated Assets

☒ \$0 to \$50,000 ☐ \$50,001 to \$100,000 ☐ \$100,001 to \$500,000 ☐ \$500,001 to \$1 million ☐ \$1,000,001 to \$10 million ☐ \$10,000,001 to \$50 million ☐ \$50,000,001 to \$100 million ☐ \$100,000,001 to \$500 million ☐ \$500,000,001 to \$1 billion ☐ More than \$1 billion

Estimated Liabilities

☐ \$0 to \$50,000 ☐ \$50,001 to \$100,000 ☒ \$100,001 to \$500,000 ☐ \$500,001 to \$1 million ☐ \$1,000,001 to \$10 million ☐ \$10,000,001 to \$50 million ☐ \$50,000,001 to \$100 million ☐ \$100,000,001 to \$500 million ☐ \$500,000,001 to \$1 billion ☐ More than \$1 billion

THIS SPACE IS FOR COURT USE ONLY

Voluntary Petition*(This page must be completed and filed in every case)*

Name of Debtor(s):

Bastone Inc.**All Prior Bankruptcy Cases Filed Within Last 8 Years** (If more than two, attach additional sheet)

Location

Where Filed: **- None -**

Case Number:

Date Filed:

Location

Where Filed:

Case Number:

Date Filed:

Pending Bankruptcy Case Filed by any Spouse, Partner, or Affiliate of this Debtor (If more than one, attach additional sheet)

Name of Debtor:

- None -

Case Number:

Date Filed:

District:

Relationship:

Judge:

Exhibit A

(To be completed if debtor is required to file periodic reports (e.g., forms 10K and 10Q) with the Securities and Exchange Commission pursuant to Section 13 or 15(d) of the Securities Exchange Act of 1934 and is requesting relief under chapter 11.)

☐ Exhibit A is attached and made a part of this petition.

Exhibit B

(To be completed if debtor is an individual whose debts are primarily consumer debts.)

I, the attorney for the petitioner named in the foregoing petition, declare that I have informed the petitioner that [he or she] may proceed under chapter 7, 11, 12, or 13 of title 11, United States Code, and have explained the relief available under each such chapter. I further certify that I delivered to the debtor the notice required by 11 U.S.C. §342(b).

X

Signature of Attorney for Debtor(s)

(Date)

Exhibit C

Does the debtor own or have possession of any property that poses or is alleged to pose a threat of imminent and identifiable harm to public health or safety?

☐ Yes, and Exhibit C is attached and made a part of this petition.

☒ No.

Exhibit D

(To be completed by every individual debtor. If a joint petition is filed, each spouse must complete and attach a separate Exhibit D.)

☐ Exhibit D completed and signed by the debtor is attached and made a part of this petition.

If this is a joint petition:

☐ Exhibit D also completed and signed by the joint debtor is attached and made a part of this petition.

Information Regarding the Debtor - Venue

(Check any applicable box)

- ☒ Debtor has been domiciled or has had a residence, principal place of business, or principal assets in this District for 180 days immediately preceding the date of this petition or for a longer part of such 180 days than in any other District.
- ☐ There is a bankruptcy case concerning debtor's affiliate, general partner, or partnership pending in this District.
- ☐ Debtor is a debtor in a foreign proceeding and has its principal place of business or principal assets in the United States in this District, or has no principal place of business or assets in the United States but is a defendant in an action or proceeding [in a federal or state court] in this District, or the interests of the parties will be served in regard to the relief sought in this District.

Certification by a Debtor Who Resides as a Tenant of Residential Property

(Check all applicable boxes)

- ☐ Landlord has a judgment against the debtor for possession of debtor's residence. (If box checked, complete the following.)

(Name of landlord that obtained judgment)

(Address of landlord)

- ☐ Debtor claims that under applicable nonbankruptcy law, there are circumstances under which the debtor would be permitted to cure the entire monetary default that gave rise to the judgment for possession, after the judgment for possession was entered, and
- ☐ Debtor has included in this petition the deposit with the court of any rent that would become due during the 30-day period after the filing of the petition.
- ☐ Debtor certifies that he/she has served the Landlord with this certification. (11 U.S.C. § 362(l)).

Voluntary Petition*(This page must be completed and filed in every case)*

Name of Debtor(s):

Bastone Inc.**Signatures****Signature(s) of Debtor(s) (Individual/Joint)**

I declare under penalty of perjury that the information provided in this petition is true and correct.

[If petitioner is an individual whose debts are primarily consumer debts and has chosen to file under chapter 7] I am aware that I may proceed under chapter 7, 11, 12, or 13 of title 11, United States Code, understand the relief available under each such chapter, and choose to proceed under chapter 7. [If no attorney represents me and no bankruptcy petition preparer signs the petition] I have obtained and read the notice required by 11 U.S.C. §342(b).

I request relief in accordance with the chapter of title 11, United States Code, specified in this petition.

X _____
Signature of Debtor

X _____
Signature of Joint Debtor

Telephone Number (If not represented by attorney)

Date

Signature of Attorney*

X /s/ Anne Penachio _____
Signature of Attorney for Debtor(s)

Anne Penachio _____
Printed Name of Attorney for Debtor(s)

Penachio Malara, LLP _____
Firm Name
235 Main Street, 6th Floor
White Plains, NY 10601

Address

Email: FMalara@PMLawLLP.com

914-946-2889 Fax: 914-946-2882 _____
Telephone Number

January 16, 2010 _____
Date

*In a case in which § 707(b)(4)(D) applies, this signature also constitutes a certification that the attorney has no knowledge after an inquiry that the information in the schedules is incorrect.

Signature of Debtor (Corporation/Partnership)

I declare under penalty of perjury that the information provided in this petition is true and correct, and that I have been authorized to file this petition on behalf of the debtor.

The debtor requests relief in accordance with the chapter of title 11, United States Code, specified in this petition.

X /s/ Mario Ianelli _____
Signature of Authorized Individual

Mario Ianelli _____
Printed Name of Authorized Individual

Manager _____
Title of Authorized Individual

January 16, 2010 _____
Date

Signature of a Foreign Representative

I declare under penalty of perjury that the information provided in this petition is true and correct, that I am the foreign representative of a debtor in a foreign proceeding, and that I am authorized to file this petition.

(Check only one box.)

☐ I request relief in accordance with chapter 15 of title 11, United States Code. Certified copies of the documents required by 11 U.S.C. §1515 are attached.

☐ Pursuant to 11 U.S.C. §1511, I request relief in accordance with the chapter of title 11 specified in this petition. A certified copy of the order granting recognition of the foreign main proceeding is attached.

X _____
Signature of Foreign Representative

Printed Name of Foreign Representative

Date

Signature of Non-Attorney Bankruptcy Petition Preparer

I declare under penalty of perjury that: (1) I am a bankruptcy petition preparer as defined in 11 U.S.C. § 110; (2) I prepared this document for compensation and have provided the debtor with a copy of this document and the notices and information required under 11 U.S.C. §§ 110(b), 110(h), and 342(b); and, (3) if rules or guidelines have been promulgated pursuant to 11 U.S.C. § 110(h) setting a maximum fee for services chargeable by bankruptcy petition preparers, I have given the debtor notice of the maximum amount before preparing any document for filing for a debtor or accepting any fee from the debtor, as required in that section. Official Form 19 is attached.

Printed Name and title, if any, of Bankruptcy Petition Preparer

Social-Security number (If the bankruptcy petition preparer is not an individual, state the Social Security number of the officer, principal, responsible person or partner of the bankruptcy petition preparer.)(Required by 11 U.S.C. § 110.)

Address

X _____
Date

Signature of Bankruptcy Petition Preparer or officer, principal, responsible person, or partner whose Social Security number is provided above.

Names and Social-Security numbers of all other individuals who prepared or assisted in preparing this document unless the bankruptcy petition preparer is not an individual:

If more than one person prepared this document, attach additional sheets conforming to the appropriate official form for each person.

A bankruptcy petition preparer's failure to comply with the provisions of title 11 and the Federal Rules of Bankruptcy Procedure may result in fines or imprisonment or both 11 U.S.C. §110; 18 U.S.C. §156.

United States Bankruptcy Court
Southern District of New York

In re **Bastone Inc.**

Debtor(s)

Case No.

Chapter

11

LIST OF CREDITORS HOLDING 20 LARGEST UNSECURED CLAIMS

Following is the list of the debtor's creditors holding the 20 largest unsecured claims. The list is prepared in accordance with Fed. R. Bankr. P. 1007(d) for filing in this chapter 11 [or chapter 9] case. The list does not include (1) persons who come within the definition of "insider" set forth in 11 U.S.C. § 101, or (2) secured creditors unless the value of the collateral is such that the unsecured deficiency places the creditor among the holders of the 20 largest unsecured claims. If a minor child is one of the creditors holding the 20 largest unsecured claims, state the child's initials and the name and address of the child's parent or guardian, such as "A.B., a minor child, by John Doe, guardian." Do not disclose the child's name. See 11 U.S.C. § 112; Fed. R. Bankr. P. 1007(m).

(1) <i>Name of creditor and complete mailing address including zip code</i>	(2) <i>Name, telephone number and complete mailing address, including zip code, of employee, agent, or department of creditor familiar with claim who may be contacted</i>	(3) <i>Nature of claim (trade debt, bank loan, government contract, etc.)</i>	(4) <i>Indicate if claim is contingent, unliquidated, disputed, or subject to setoff</i>	(5) <i>Amount of claim [if secured, also state value of security]</i>
ANS Seafood 2 Williams Street Elmsford, NY 10523	ANS Seafood 2 Williams Street Elmsford, NY 10523	Trade debt		2,720.52
Audio Visual World 136 First St. Nanuet, NY 10954	Audio Visual World 136 First St. Nanuet, NY 10954	Mechanics lien on building		11,500.00 (0.00 secured)
Bayside Seafood 28537 Sussex Highway Laurel, DE 19956	Bayside Seafood 28537 Sussex Highway Laurel, DE 19956	Trade Debt		4,574.00
Casa Bianca 16 Graner Placwe Yonkers, NY 10703-1703	Casa Bianca 16 Graner Placwe Yonkers, NY 10703-1703	Trade Debt		16,000.00
Consolidated Edison PO BOX 1005 Spring Valley, NY 10977	Consolidated Edison PO BOX 1005 Spring Valley, NY 10977	Trade Debt/Utility		8,347.35
Fisher & Miller 85 Westmoreland Avenue White Plains, NY 10606	Fisher & Miller 85 Westmoreland Avenue White Plains, NY 10606	Trade Debt		9,147.32
Frank Salvi, Esq. 445 Hamilton Avenue White Plains, NY 10601	Frank Salvi, Esq. 445 Hamilton Avenue White Plains, NY 10601	Trade Debt		4,978.00
Greenridge Management 701 Westchester Avenue Suite 310W White Plains, NY 10605	Greenridge Management 701 Westchester Avenue Suite 310W White Plains, NY 10605	Landlord		37,000.00
Irina Nica c/o Patrick Bliss, Esq. 399 Knollwood Rd. White Plains, NY 10603	Irina Nica c/o Patrick Bliss, Esq. 399 Knollwood Rd. White Plains, NY 10603	Trade Debt		17,000.00
Java Medic Group 54 Miller Rd. Mahopac, NY 10541	Java Medic Group 54 Miller Rd. Mahopac, NY 10541	Trade Debt		3,500.00
Jeraci 90 Fairview Dr. Elmsford, NY 10523	Jeraci 90 Fairview Dr. Elmsford, NY 10523	Trade Debt		11,000.00

Debtor(s)

LIST OF CREDITORS HOLDING 20 LARGEST UNSECURED CLAIMS

(Continuation Sheet)

(1) <i>Name of creditor and complete mailing address including zip code</i>	(2) <i>Name, telephone number and complete mailing address, including zip code, of employee, agent, or department of creditor familiar with claim who may be contacted</i>	(3) <i>Nature of claim (trade debt, bank loan, government contract, etc.)</i>	(4) <i>Indicate if claim is contingent, unliquidated, disputed, or subject to setoff</i>	(5) <i>Amount of claim [if secured, also state value of security]</i>
Marvin Produce 1354 Rutherford Rd. Greenville, SC 29609-3145	Marvin Produce 1354 Rutherford Rd. Greenville, SC 29609-3145	Trade Debt		4,000.00
Monarc Seafood PO Box 6465 80 South Broadway Jersey City, NJ 07306	Monarc Seafood PO Box 6465 80 South Broadway Jersey City, NJ 07306	Trade Debt		4,372.76
New Roc Dist 43 Church Street New Rochelle, NY 10801	New Roc Dist 43 Church Street New Rochelle, NY 10801	Trade Debt		8,693.00
Paul Fatizzi 8 Fulton Street White Plains, NY 10606	Paul Fatizzi 8 Fulton Street White Plains, NY 10606	Trade Debt		2,516.00
Sassone Wholesale 1706 Bronxdale Avenue Bronx, NY 10462	Sassone Wholesale 1706 Bronxdale Avenue Bronx, NY 10462			25,428.00
Sensible Choice Contractors PO Box 366 Yonkers, NY 10704	Sensible Choice Contractors PO Box 366 Yonkers, NY 10704	Loan		20,000.00
Sound Restaurant Supply PO Box 627 Mamaroneck, NY 10543	Sound Restaurant Supply PO Box 627 Mamaroneck, NY 10543	Trade Debt		5,009.45
Sysco Food Distributor 162 S. Robinson Avenue Newburgh, NY 12550	Sysco Food Distributor 162 S. Robinson Avenue Newburgh, NY 12550	Trade Debt		13,253.33
Top Dog 17 Agnew Farm Rd. Armonk, NY 10504	Top Dog 17 Agnew Farm Rd. Armonk, NY 10504	Trade Debt		4,556.75

**DECLARATION UNDER PENALTY OF PERJURY
ON BEHALF OF A CORPORATION OR PARTNERSHIP**

I, the Manager of the corporation named as the debtor in this case, declare under penalty of perjury that I have read the foregoing list and that it is true and correct to the best of my information and belief.

Date January 16, 2010Signature /s/ Mario Ianelli

Mario Ianelli
Manager

Penalty for making a false statement or concealing property: Fine of up to \$500,000 or imprisonment for up to 5 years or both.
18 U.S.C. §§ 152 and 3571.

**United States Bankruptcy Court
Southern District of New York**

In re **Bastone Inc.**
Debtor

Case No. _____

Chapter **11**

LIST OF EQUITY SECURITY HOLDERS

Following is the list of the Debtor's equity security holders which is prepared in accordance with Rule 1007(a)(3) for filing in this chapter 11 case.

Name and last known address or place of business of holder	Security Class	Number of Securities	Kind of Interest
Kathleen Iannelli 1001 Croyden Road Yonkers, NY 10710	Common	200	NPV

DECLARATION UNDER PENALTY OF PERJURY ON BEHALF OF CORPORATION OR PARTNERSHIP

I, the Manager of the corporation named as the debtor in this case, declare under penalty of perjury that I have read the foregoing List of Equity Security Holders and that it is true and correct to the best of my information and belief.

Date **January 16, 2010**

Signature **/s/ Mario Iannelli**
Mario Iannelli
Manager

Penalty for making a false statement or concealing property: Fine of up to \$500,000 or imprisonment for up to 5 years or both.
18 U.S.C §§ 152 and 3571.

**United States Bankruptcy Court
Southern District of New York**

In re **Bastone Inc.**

Debtor(s)

Case No.
Chapter

11

VERIFICATION OF CREDITOR MATRIX

I, the Manager of the corporation named as the debtor in this case, hereby verify that the attached list of creditors is true and correct to the best of my knowledge.

Date: **January 16, 2010**

/s/ Mario Ianelli

Mario Ianelli/Manager

Signer/Title

AMERIMERCHANT
475 PARK AVENUE SOUTH
16TH FLOOR
NEW YORK, NY 10016

ANS SEAFOOD
2 WILLIAMS STREET
ELMSFORD, NY 10523

AUDIO VISUAL WORLD
136 FIRST ST.
NANUET, NY 10954

BAYSIDE SEAFOOD
28537 SUSSEX HIGHWAY
LAUREL, DE 19956

CABLEVISION
1111 STEWART AVE
BETHPAGE, NY 11714

CASA BIANCA
16 GRANER PLACWE
YONKERS, NY 10703-1703

CONSOLIDATED EDISON
PO BOX 1005
SPRING VALLEY, NY 10977

DIANE D'AGOSTINO
12 HILLSIDE AVENUE
PLEASANTVILLE, NY 10570

ECO LAB
7373 KIRKWOOD COURT
MINNEAPOLIS, MN 55369

EMPIRE MERCHANTS
21 EAST VALLEY STREAM BLVD.
VALLEY STREAM, NY 11580

FISHER & MILLER
85 WESTMORELAND AVENUE
WHITE PLAINS, NY 10606

FRANK SALVI, ESQ.
445 HAMILTON AVENUE
WHITE PLAINS, NY 10601

GREENRIDGE MANAGEMENT
701 WESTCHESTER AVENUE
SUITE 310W
WHITE PLAINS, NY 10605

HOME DEPOT CREDIT SERVICES
PO BOX 66768
HOUSTON, TX 77266

IRINA NICA
C/O PATRICK BLISS, ESQ.
399 KNOLLWOOD RD.
WHITE PLAINS, NY 10603

JAVA MEDIC GROUP
54 MILLER RD.
MAHOPAC, NY 10541

JERACI
90 FAIRVIEW DR.
ELMSFORD, NY 10523

JOSEPH IANNELLI
4395 WILDWOOD LANE B
BOYNTON BEACH, FL 33436

LIBERTY BANK
6139 ASHWORTH ROAD
WEST DES MOINES, IA 50266

LUIGI DOLGETTA
C/O GEORGE GALGANO, ESQ.
399 KNOLLWOOD RD.
WHITE PLAINS, NY 10603

MARVIN PRODUCE
1354 RUTHERFORD RD.
GREENVILLE, SC 29609-3145

MERCHANTS ADVANCE
PO BOX 372
JERICHO, NY 11753

MONARC SEAFOOD
PO BOX 6465
80 SOUTH BROADWAY
JERSEY CITY, NJ 07306

NEW ROC DIST
43 CHURCH STREET
NEW ROCHELLE, NY 10801

PAUL FATIZZI
8 FULTON STREET
WHITE PLAINS, NY 10606

REWARDS NETWORK
2N RIVERSIDE PLAZA
SUITE 950
CHICAGO, IL 60606

SASSONE WHOLESALE
1706 BRONXDALE AVENUE
BRONX, NY 10462

SENSIBLE CHOICE CONTRACTORS
PO BOX 366
YONKERS, NY 10704

SOUND RESTAURANT SUPPLY
PO BOX 627
MAMARONECK, NY 10543

SYSCO FOOD DISTRIBUTOR
162 S. ROBINSON AVENUE
NEWBURGH, NY 12550

TOP DOG
17 AGNEW FARM RD.
ARMONK, NY 10504

VERIZON
140 WEST STREET
NEW YORK, NY 10007

**United States Bankruptcy Court
Southern District of New York**

In re **Bastone Inc.**

Debtor(s)

Case No.
Chapter

11

CORPORATE OWNERSHIP STATEMENT (RULE 7007.1)

Pursuant to Federal Rule of Bankruptcy Procedure 7007.1 and to enable the Judges to evaluate possible disqualification or recusal, the undersigned counsel for **Bastone Inc.** in the above captioned action, certifies that the following is a (are) corporation(s), other than the debtor or a governmental unit, that directly or indirectly own(s) 10% or more of any class of the corporation's(s') equity interests, or states that there are no entities to report under FRBP 7007.1:

☒ None [*Check if applicable*]

January 16, 2010

Date

/s/ Anne Penachio

Anne Penachio

Signature of Attorney or Litigant
Counsel for **Bastone Inc.**

Penachio Malara, LLP

235 Main Street, 6th Floor

White Plains, NY 10601

914-946-2889 Fax: 914-946-2882

FMalara@PMLawLLP.com